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From:

WILLIAM J. ATHAY

Comments:

Please see attached.

Docket No.:

16079.2a.1

Serial No.:

10/049,867

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PATENT APPLICATION
Docket No. 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
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In re application of:

Richard Neumann et al.

Serial No.:

10/049,867

Filed:

July 2, 2002

Confirmation No.:

2445

For:

SYSTEMS AND METHODS FOR TESTING
THE LOAD OF AT LEAST ONE IP-BASED
DEVICE

Examiner:

Felix E. Suarez

Art Unit
2857

JAN 27 2005

TRANSMITTAL FOR PETITION UNDER 38 C.F.R. 1.48(A)
TO CORRECT INVENTORSHIPCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition Under 37 C.F.R. 1.48(a) to correct inventorship in the above-referenced patent application for entry in the above-identified application.

Also enclosed are the following:

- ☒ Petition for Correction of Inventorship
- ☒ Certificate Under 37 C.F.R. § 3.73(b)
- ☒ Consent of Assignee to Correction of Inventorship
- ☒ Statement of Inventors Being Added
- ☒ Declaration, Power of Attorney and Petition

Name: Till Immanuel Patzschke
Address: Kleiststrasse 23
D-65187 Wiesbaden
Citizenship: Germany

Please include the above-named inventors as joint inventors along with the originally named inventors.

Enclosed with this petition, please find:

(1) A statement from Heinz Peter Zeiträger and Till Immanuel Patzschke that the inventorship error occurred without any deceptive intention on their part;

(2) A statement from the assignee, Internetwork AG, agreeing to the change of inventorship;

(3) Certificate Under 37 C.F.R. § 3.73 (b);

(4) Newly Executed Combined Declaration and Power of Attorney; and

(5) PTO Form 2038 in the amount of \$130.00 as set forth in 37 C.F.R. § 1.17(i). The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. Duplicate copies of this sheet are enclosed.

Dated this 27th day of January, 2005.

Respectfully submitted,



WILLIAM J. ATHAY
Attorney for Applicant
Registration No. 44,515
Customer No. 022913

WJA:kjn

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PATENT APPLICATION
Docket: 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Richard Neumann et al.

Serial No.:

10/049,867

Filed:

July 2, 2002

Confirmation No.:

2445

For:

SYSTEMS AND METHODS FOR TESTING
THE LOAD OF AT LEAST ONE IP-BASED
DEVICE

Examiner:

Felix E. Suarez

JAN 27 2005

) Art Unit
) 2857PETITION FOR CORRECTION OF INVENTORSHIPCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.48(a), Applicants respectfully request that the above-identified application be amended to add the following inventors:

Name: Heinz Peter Zeiträger
Address: Hofäckerstraße 8
65207 Wiesbaden
Citizenship: Germany

91/31/2005 BBONNER 00000001 10049867

01 FC:1464

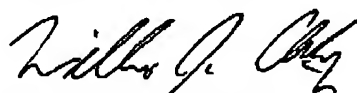
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Page 2

- ☒ PTO Form 2038 in the amount of \$130.00 for the filing of the Petition
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ A duplicate copy of this transmittal letter is attached.

Dated this 27th day of January, 2005.

Respectfully submitted,



WILLIAM J. ATHAY
Attorney for Applicant
Registration No. 44,515
Customer No. 022913
Telephone No. 801.321.8895

WJA:kjn
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PATENT APPLICATION

Docket: 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Richard Neumann et al.)
Serial No.: 10/049,869) Art Unit
Filed: July 2, 2002) 2857
Confirmation No.: 2445)
For: SYSTEMS AND METHODS FOR TESTING)
THE LOAD OF AT LEAST ONE IP-BASED)
DEVICE)
Examiner: Felix E. Suarez)

CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP

InterNetwork AG, having a place a business at Bierstadter Strasse 7, D-65189 Wiesbaden, Germany, Assignee of the patent application identified above, hereby consents to the amendment thereof, to add Heinz Peter Zeiträger and Till Immanuel Patzschke as joint inventors with the originally named inventors, Richard Neumann and Uwe Schellhaas.

InterNetwork AG certifies that it is the Assignee of the patent application identified above as shown in the accompanying certificate that is made in accordance with 37 C.F.R. § 3.73(b).

The undersigned has reviewed the assignment documents mentioned above and to the best of undersigned's knowledge and belief, title is to the Assignee identified above. The undersigned is empowered to sign this certificate on behalf of Assignee.

Dated this 20 day of January, 2005.



Jeff Lindauer
Vorstand/Management Member
interNetwork AG

KJN000000871V001.doc

PATENT APPLICATION
Docket No. 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
	Richard Neumann et al.)
) Art Unit
Serial No.:	10/049,867) 2857
)
Filed:	July 2, 2002)
)
Confirmation No.:	2445)
)
For:	SYSTEMS AND METHODS FOR TESTING)
	THE LOAD OF AT LEAST ONE IP-BASED)
	DEVICE)
)
Examiner:	Felix E. Suarez)

CERTIFICATE UNDER 37 C.F.R. § 3.73 (b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee interNetwork AG, having a place of business at Bierstadter Strasse 7, D-65189 Wiesbaden, Germany, in accordance with 37 C.F.R. § 3.73(b), certifies that it is the Assignee of the entire right, title and interest in the patent identified above by virtue of the chain of title from the inventors of the patent identified above, to the current assignee as shown below:

1. By Assignment from inventors Richard Neumann and Uwe Schellhaus to Deutsche Telekom AG. A copy of the assignment was recorded July 8, 2002 at Reel/Frame No. 013065/0092.

Patent Application No.: 10/049,867
Filed: July 2, 2002

2. By Assignment from Deutsche Telekom AG to interNetwork AG. A copy of the assignment recorded February 11, 2003 at Reel/Frame No. 013747/0787.
3. By Assignment from inventors Heinz Peter Zeiträger and Till Immanuel Patzschke to interNetwork AG. A copy of the assignment dated December 23, 2004 is attached.

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the patent.

Dated: January 20, 2005

Signature: 

Jeff Lindauer
Vorstand/Management Member
interNetwork AG

KJN0000000870V001.doc

UNITED STATES PATENT

Attorney Docket No. 16079.2a.1

Form P1

COMBINED DECLARATION and POWER OF ATTORNEY
(Utility, Design, National Stage of PCT)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(Check one applicable item below)

- ☐ utility patent application
☐ design patent application
☒ national stage of PCT patent application

INVENTORSHIP IDENTIFICATION

My residence, mailing address, and citizenship are as stated below next to my name. I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SYSTEM AND METHOD FOR TESTING THE
LOAD OF AT LEAST ONE IP-SUPPORTED DEVICE

SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))(a) ☐ is attached hereto.(b) ☐ was previously filed _____, as United States Patent Application Serial No. _____.(c) ☒ was previously filed July 10, 2000, as PCT International Application No. PCT/EP/00/06509.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claim(s), as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application(s) which designated at least one country other than the United States of America listed below and have also identified, by checking the box, any foreign application(s) for patent or inventor's certificate or any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed.

(complete (d) or (e))

(d) ☐ no such applications have been filed.

(e) ☒ such applications have been filed as follows.

Note: Where item (c) is entered above and the International Application claims priority to a non-U.S. application, check item (e), enter the non-U.S. priority details below, and make the priority claim.

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER § 119 or § 365	
DE	199 37 753.7	08/10/1999	<input checked="" type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>

POWER OF ATTORNEY

I hereby appoint as my attorneys and/or patent agents all attorneys and/or patent agents listed under the following Customer Number, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

022913**PATENT TRADEMARK OFFICE
CUSTOMER NUMBER**

All correspondence and telephonic communications should be directed to:

R. BURNS ISRAELSEN

Registration No. 37,246

Telephone (801) 533-9800

Facsimile (801) 328-1707

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of first joint inventor: Richard Neumann

Country of Citizenship: Federal Republic of Germany

Residence: Worms, Federal Republic of Germany

Mailing Address: Theodor-Storm-Str. 52, 67551, Worms
Federal Republic of GermanyInventor's signature: *Richard Neumann* Date: 13.01.05

Full name of second joint inventor: Uwe Schellhaas

Country of Citizenship: Federal Republic of Germany

Residence: Modautal, Federal Republic of Germany

Mailing Address: AM Steimel 22, 64397, Modautal
Federal Republic of GermanyInventor's signature: *Uwe Schellhaas* Date: 13.01.05

Full name of third joint inventor: Heinz Peter Zeiträger
Country of Citizenship: Federal Republic of Germany
Residence: Wiesbaden, Federal Republic of Germany
Mailing Address: Hofäckerstraße 8, 65207, Wiesbaden
Federal Republic of Germany

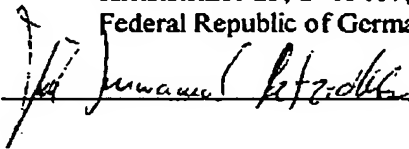
Inventor's signature: _____

Heinz Peter Zeiträger

Date: _____

2004-12-23

Full name of forth joint inventor: Till Immanuel Patzschke
Country of Citizenship: Federal Republic of Germany
Residence: Wiesbaden, Federal Republic of Germany
Mailing Address: Kleiststrasse 23, D-65187, Wiesbaden
Federal Republic of Germany

Inventor's signature: 

Date: 2004-12-23

BLM0000003461 V001.DOC

PATENT APPLICATION

Docket: 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Neumann et al.

Serial No.:

10/049,867

) Art Unit
) 2857

Filed:

July 2, 2002

Confirmation No.:

2445

FOG

SYSTEMS AND METHODS FOR TESTING THE LOAD OF AT LEAST ONE IP-BASED DEVICE

Examiner:

Felix E. Suarez

STATEMENT OF INVENTORS BEING ADDED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Heinz Peter Zeiträger and Till Immanuel Patzschke, hereby state that we were joint inventors in the above-identified application and that the error in inventorship occurred without deceptive intent on our part.

Dated this 23rd day of December, 2004.

Heinz Peter Zeiträger

Dated this 23rd day of December, 2004.



Till Immanuel Patzschke

WJA:kjn

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